

**Senate Select Committee on Prison Safety
Monday, May 13, 2019 at 3:00 PM
Room 643 of the Legislative Office Building**

MINUTES

The Senate Select Committee on Prison Safety met at 3:00 PM on May 13, 2019 in Room 643 of the Legislative Office Building. Members present were Senators Bob Steinburg, Jim Burgin, Tom McInnis, Floyd McKissick, Terry Van Duyn, and Norman Sanderson.

Senator Harper Peterson attended the meeting via telephone.

Senator Steinburg, while presiding, welcomed and thanked Chris Moore and Frances Patterson from the Senate Sergeant at Arms office.

Senator McKissick moved the minutes from April 29, 2019 be approved as written. Senator McInnis seconded the motion, and the motion carried.

Senator Steinburg then opened the floor for comments on the various themes presented before the committee since March 11th, with an eye toward making recommendations to the leadership of the North Carolina Senate.

Separating the Department of Corrections and the Department of Juvenile Justice from the Department of Public Safety

The first topic covered a proposal to separate the Departments of Corrections and Juvenile Justice from the Department of Public Safety, similar to what is proposed in Senate Bill 579, which can be found on the committee website.

Senator Burgin stated that he favored breaking the Department of Corrections and the Department of Juvenile Justice from the Department of Public Safety. Senator McKissick also stated that he would favor separating the departments provided that all the departments were given the appropriate resources. Senator Peterson stated that he favored returning to the structure as it was prior to 2011.

Pay and benefits/Shift Structure

Senator Steinburg stated that there might be nothing specific in the recommendations, but invited general conversation.

Senator Van Duyn stated that we've heard that pay is a primary issue, but stated that she had seen a recommendations from the Department of Public Safety, and that she was generally supportive of what were recommended. She further stated that it's not just the amount of money, but also the structure that concerns her.

Senator McKissick also stated his concerns about shift structures tying into financial compensation. While we've heard conflicting opinions on the shift structure, he stated that there might need to be a change in the close custody facilities. He also talked about the need for possible incentives for certain facilities where the vacancy rates are higher.

Senator Steinburg stated that the changes that are desired may take more than one budget cycle, further stating that the General Assembly needs to take a long range approach. He also stated that

one of the first things that would need to be done would need to bring in leadership that would need to found through a nationwide search.

Senator Burgin stated that he would be interested in seeing where we would diversify the shift structure, and also stated that he thinks that an accidental death policy of \$500,000 to \$1 million from the current to \$100,000 for those killed in the line of duty. Originally the death benefit had been \$50,000 until legislation changed that in 2017. The anticipated cost for a \$500,000 death benefit would be a lot better than setting aside funds in an escrow account, according to Senator Burgin.

Senator McInnis stated that while the state is largely self-insured on so many things, and found that \$3 million could need to be set aside for a \$500,000 death benefit. He also spoke about the need to diversify the shift structure, as well as offering tuition assistance for Community Colleges. The Senator also talked about the need to lessen the number of application process days, and also suggested the need to provide affordable housing benefits.

Recruitment and Retention

Senator Steinburg echoed the possible need to provide housing assistance, as well as providing education benefits through the Community Colleges.

Senator McKissick also mentioned partnering with the Community Colleges to enable Correctional Officers, or even the ancillary staff to pursue further education incentives.

Senator Steinburg commented that this could be palatable for younger stronger Correctional Officers, who could hang on longer to their jobs to take advantage of the incentives, making the suggestions made by Senator McKissick something to build on.

Senator Burgin also suggested recruiting through the Community College System, such as is done with law enforcement. He also stated that he believed that young graduates want to see a clear plan for the future if they are going to stay in the system.

Senator Van Duyn stated that she was concerned that the committee was getting accurate information as to why people were leaving their jobs. She was concerned that policies, while good policies of data collection, were not being utilized uniformly throughout the system.

Senator Steinburg recognized Tracey Little, Deputy Secretary of Adult Corrections and Juvenile Justice to address Senator Van Duyn's questions.

Tracey Little stated that there are a variety of reasons staff are leaving. Some of those reasons include, but are not limited to the high vacancy rate and the excessive overtime requirements leading to staff burnout. Statistics were given about the Correctional Officers hired. In 2018, there were over 1800 Correctional Officers hired, with 1700 of those quitting in the same year. Some kind of actions of need to take place where the inmate population level is settled to the point to where staff does not always have to work mandatory overtime. She also stated that staff needs to feel a sense of hope that changes will be made that will make Correctional Officers want to stay. The vacancy rates have become so pervasive that Senior Officers (Lieutenants and Captains) are having to cover posts where there is no opportunity to coach Junior Officers.

Senator Steinburg stated that he met with the Senate Appropriations Leaders, and stated to them that the Correctional Officers want to see steps simply being taken.

Senator Burgin, quoting from a book called "*Leadership*," and referenced an exit interview where an interviewee believed that the leadership was not leading based according to the organization's values, and this is one of the things that needs to be stressed in creating a culture that will entice Correctional Officers to stay.

Mental Health

Senator Van Duyn stated referenced a handout from the Department that she felt had excellent suggestions.

Senator McInnis asked if legislation was passed in a prior session welcoming professional medical officers from other states (recognizing out of state licences), or transferring licenses from other states, also known as reciprocity. Susan Sitze, Committee Counsel, replied that this sounds familiar and would get back to Senator McInnis.

Senator McInnis states that he believed that the state makes it too difficult to obtain or transfer a license.

Senator McKissick echoed his support for the Department's recommendations, adding ideas including \$12 million to restore payments to treat those who were receiving mental health, and also reducing the amount of time people spend in solitary confinement or restrictive housing. He also suggested allowing for inmates to receive pre-release therapy.

Senator Burgin stated that funds from LME-MCOs that have funds that need to be accessed, and also stated that the state has the resources and programs are there. They are not, however being accessed properly. He also stated that there should be a plan to treat people with mental health and work with them outside the correctional system.

Senator Steinburg then turned the focus to mental health care for Correctional Officers and Staff. Senator McKissick stated that he believed there should be testing to make certain those that are being hired are well suited for the positions for which the Department is hiring. He also stated that based upon information that he heard, he is not convinced that continuing the current policy is not acceptable, stating that there are around 14% of people who apply are not suitable for those jobs. He also stated that those who occupy the positions are properly trained and knowing who is being hired as a critical factor. In a broad way, we need to look at moving forward with recommendations by pulling together stakeholder groups and get a consensus in the limited time allotted to the committee.

Senator Steinburg asked Secretary Little to speak on the testing process, asking her to share Senator McKissick's concerns. From 1997-2015, the statewide process was psychological screening, which included a screening instrument and possible later a one-on-one meeting with a licensed psychologist, if warranted. In 2016, the process changed into a contractual arrangement with a third part provider for psychological assessments and medical assessments. The process has reverted back to the system as it was in 2015. The main difference is that now there are sometimes referrals to a psychologist under contract. There are also background checks, medical assessments, psychological assessments, as well as drug screenings. All of that goes into a data base as to who the Department will hire and not hire.

Secretary Little also stated that there applicants that are not suitable for working as a Correctional Officers, although a percentage cannot be given. Senator McKissick stated that it

would be a good idea to have that comparative analysis from the previous three years, and to have the right metrics that Correctional Officers need for the job.

Senator Steinburg announced that there will be a list of recommendations made which will be presented to the committee at the next meeting, and there probably more meetings after that.

The meeting adjourned at 4:05 p.m.

Select or Type Name of Presiding Chair
Presiding

Edward Stiles, Committee Clerk